

in its significant cultural and historical resources. As a result, we support authorizing the National Park Service to study this area to determine how these resources might best be conserved and interpreted for generations to come. I join the gentleman from West Virginia (Ranking Member Rahall) in congratulating the gentleman from Massachusetts (Mr. FRANK) for his hard work on behalf of this legislation and this community, and we look forward to working with him on legislation to implement any recommendations which come out of this study that we are authorizing today. So we urge the passage of H.R. 2129.

Mr. Speaker, I yield such time as he might consume to the gentleman from Massachusetts (Mr. FRANK), the sponsor of the legislation.

□ 1415

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding me time.

I thank the gentleman from Nevada (Mr. GIBBONS) for his courtesy; and I am grateful to the leadership of the committee, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), for bringing this forward.

Massachusetts is rich in history, but this is a particularly significant piece of Massachusetts from an historic standpoint. As the gentleman from Nevada (Mr. GIBBONS) pointed out, the Liberty and Union Flag was raised there in 1774. This is the place here in Taunton where the revolution was fueled. Robert Treat Paine, a resident of Taunton, signed the Declaration, and it continues to be important.

The courthouse green, a lovely area, was designed by Frederick Law Olmsted, the greatest landscape architect in our history and, probably, the history of the world. I am privileged to have an office right in the midst of this. So I guess I should say I would be a beneficiary of this. But it is for the city, and it will be passed on.

I also should say that I became the Representative of Taunton in the last redistricting. And for the prior couple of decades it was extraordinarily well-represented by one of our great former colleagues, the gentleman from Massachusetts, Mr. Moakley, who was sadly taken from us a few years ago. So as we put this bill forward, I am delighted to do it, but I also want people to understand that I do this in tribute, in part, to the legacy of Joe Moakley, one of the great leaders in this House, widely respected and even loved by both sides.

This is a genuinely important historical operation. It played a historic role in the Revolution. We had Frederick Law Olmsted there. It was also very important in the Industrial Revolution. It continues today to be a very important community.

So I am grateful to the committee for bringing this forward and I look forward to the passage of this bill and subsequent action by the Park Service.

Mrs. CHRISTENSEN. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge adoption of the bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RESOLUTION OF BOUNDARY ENCROACHMENT ON LAND OF UNION PACIFIC RAILROAD COMPANY IN TIPTON, CALIFORNIA

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4817) to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads, as amended.

The Clerk read as follows:

H.R. 4817

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RELEASE OF UNITED STATES INTERESTS IN CERTAIN RAILROAD GRANT LANDS IN TIPTON, CALIFORNIA.

(a) PROPERTY DEFINED.—In this section, the term “property” means that portion of the existing building located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292).

(b) RELEASE OF INTERESTS IN PROPERTY.—There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of the property. The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with the property.

(c) INSTRUMENT OF RELEASE.—The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4817.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4817, introduced by my Committee on Resources colleague, the gentleman from California (Mr. NUNES), and amended by the Committee on Resources would facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California. The bill is supported by the majority and minority of the Committee on Resources and the administration.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very minor boundary issue left over from rights-of-way granted in the 19th century. We have reviewed the legislation and we do not oppose the passage of H.R. 4817.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge adoption of the bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4817, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO “A TRIBUTE TO SURVIVORS” AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 76) recognizing that November 2, 2003, shall be dedicated as “A Tribute To Survivors” at the United States Holocaust Memorial Museum.

The Clerk read as follows:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe’s Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding "the establishment . . . of an appropriate memorial to those who perished in the Holocaust";

Whereas President Carter said: "Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible. . . .";

Whereas, in 1979, the Commission recommended "a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust";

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a "permanent living memorial" on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: "Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future. . . .";

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: "We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again. . . .";

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: "[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality. . . .";

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: "When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized sur-

roundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught. . . .";

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

#### GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 76, introduced by Senator HATCH of Utah, dedicates November 2, 2003, as "A Tribute to Survivors" at the United States Holocaust Memorial Museum located here in our Nation's capital.

The gentleman from Utah (Mr. CANNON) has authored the House companion bill and should be equally commended for his tireless work on behalf of his constituents.

Chartered by a unanimous Act of Congress in 1980, the United States Holocaust Memorial Museum's primary

mission is to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

This living memorial speaks not only to the victims' deaths, but of their lives. It holds the power to transform the living by transmitting the legacy of the Holocaust.

On the occasion of its 10th anniversary, the museum on November 1 and 2 of 2003, held a Tribute to Holocaust survivors, a special celebration at the museum for survivors, their families, and other members of the eyewitness generation, including liberators and rescuers. This unique event brought together over 7,000 people, reuniting over 2,000 survivors. Museum Director Sara Bloomfield characterized the tribute as critical, with so many of the Holocaust survivors now in the later years of their lives.

More importantly though, dedicating November 2, 2003, as "A Tribute to Survivors" at the museum affords all of us the opportunity to answer to their silent question: Indeed, we have not forgotten you.

Senate Concurrent Resolution 76 is supported by the majority and minority of the committee. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with S. Con. Res. 76, I guess this majority is operating under the adage that it is better late than never.

Senate Concurrent Resolution 76 was written for an event that occurred 11 months ago on November 2, 2003. The resolution would have been timely if it had been taken up before that date.

The tribute to the survivors of the Holocaust at the United States Holocaust Memorial Museum on November 2, 2003 was a worthy event deserving of recognition. It is regrettable that the majority waited so long to bring up this resolution that the day we seek to honor has already occurred.

However, even late, it is an important recognition and I am pleased that there will be this recognition of that tribute to the survivors that occurred last year.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sponsor of the House legislation is home with a family member who is ill and unable to make his presentation. I ask for support of this resolution.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 76.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

### TAPOCO PROJECT LICENSING ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2319) to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

The Clerk read as follows:

S. 2319

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tapoco Project Licensing Act of 2004".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **APGI.**—The term "APGI" means Alcoa Power Generating Inc. (including its successors and assigns).

(2) **COMMISSION.**—The term "Commission" means the Federal Energy Regulatory Commission.

(3) **MAP.**—The term "map" means the map entitled "Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APGI", numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) **PARK.**—The term "Park" means Great Smoky Mountains National Park.

(5) **PROJECT.**—The term "Project" means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. LAND EXCHANGE.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Upon the conveyance by APGI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APGI title to the land identified in paragraph (3).

(2) **DESCRIPTION OF LAND TO BE CONVEYED BY APGI.**—The land to be conveyed by APGI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APGI power line; and

(B) as generally depicted on the map as "Proposed Property Transfer from APGI to National Park Service".

(3) **DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.**—The land to be conveyed by

the Secretary to APGI are the approximately 110 acres of land within the Park that are—

(A) adjacent to or flooded by the Chilhowee Reservoir;

(B) within the boundary of the Project as of February 21, 2003; and

(C) as generally depicted on the map as "Proposed Property Transfer from National Park Service to APGI".

(b) **MINOR ADJUSTMENTS TO CONVEYED LAND.**—The Secretary and APGI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) **OPPORTUNITY TO MITIGATE.**—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APGI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) **CONSERVATION EASEMENT.**—The Secretary shall reserve a conservation easement over any land transferred to APGI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

(1) specifically prohibit any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

(2) authorize public access to the easement area, subject to National Park Service regulations; and

(3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) **APPLICABILITY OF CERTAIN LAWS.**—Section 5(b) of Public Law 90-401 (16 U.S.C. 460/22(b)), shall not apply to the land exchange authorized under this section.

(f) **REVERSION.**—

(1) **IN GENERAL.**—The deed from the Secretary to APGI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

(A) the Chilhowee Reservoir ceases to exist; or

(B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

(2) **APPLICABLE LAW.**—A reversion under this subsection shall not eliminate APGI's responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) **BOUNDARY ADJUSTMENT.**—

(1) **IN GENERAL.**—On completion of the land exchange authorized under this section, the Secretary shall—

(A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

(B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

(2) **NATIONAL PARK SERVICE LAND.**—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.

(3) **PUBLIC NOTICE.**—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1).

#### SEC. 4. PROJECT LICENSING.

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

#### SEC. 5. LAND ACQUISITION.

(a) **IN GENERAL.**—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any non-governmental organization; and

(2) is identified as "Permanent Easement" or "Term Easement" on the map entitled "Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee", numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) **LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.**—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

(c) **LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.**—

(1) **BOUNDARY ADJUSTMENT.**—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

(2) **MANAGEMENT.**—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2319.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2319, introduced by Senator ALEXANDER of Tennessee, would facilitate a hydroelectric power relicensing for the Tapoco Project near the Great Smoky Mountains National Park by authorizing the Secretary of the Interior to enter into a series of land exchanges with Alcoa Power Generating, Inc.

The gentleman from Tennessee (Mr. DUNCAN) is the author of the House companion bill and has asked us to accept the Senate bill in the interest of time.